

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION

POSTAL RATE AND FEE CHANGES

)
) Docket No. R2001-1
)

OBJECTION OF AMERICAN POSTAL WORKERS UNION, AFL-CIO
TO KEYSpan ENERGY'S SUPPLEMENTAL DESIGNATIONS OF
WRITTEN CROSS EXAMINATION

On February 15, 2002, KeySpan Energy (KE) made the following supplemental designations of discovery responses for inclusion in the record:

<u>Interrogatory</u>	<u>Directed To</u>	<u>Answered By</u>	<u>Date(s) Answered</u>
KE/USPS-T39-14	Kingsley	Miller	11/19/01
KE/USPS-T39-13 F	Kingsley	Kingsley	12/3/01 Revised
KE/USPS-T39-3	Kingsley	Kingsley	11/19/01
KE/USPS-T22-8 C	Miller	Miller	11/21/01
KE/USPS-T22-28 A	Miller	Miller	12/17/01
MMA/USPS-T22-25	Miller	Miller	11/5/01
KE/USPS-T22-23-24	Miller	Miller	12/17/01
KE/USPS-T22-5-10	Miller	Miller	11/21/01
KE/USPS-T22-20	Miller	Miller	11/29/01
KE/USPS-T22-23-24	Miller	Miller	12/17/01

These designations were purportedly made pursuant to Presiding Officer's Ruling No. 49, issued February 7, 2002. As these discovery responses do not meet the specifications in Presiding Officer's Ruling No. 49, and are not permitted by any of the other rulings concerning designation of discovery responses, the American Postal Workers Union, AFL-CIO, objects to these designations.

Presiding Officer's February 7, 2002 Ruling No. 49 provides in pertinent part:

After the deadlines provided for designations in P.O. Rulings R2001-1/23 and 30, materials responsive to discovery requests have been filed with the Commission. Supplemental designations of these materials are due on or before February 15, 2002. Objections are due February 21, 2002.

Presiding Officers' December 19, 2001 Ruling No. 23 gave participants who wanted to designate responses provided by the Postal Service as an institution until January 7, 2002, to file written designations of this material. Presiding Officer's January 8, 2002 Ruling No. 30 established the schedule for testimony of certain Postal Service witnesses, including witness Miller (T-22) and witness Kingsley (T-39). It also established January 14, 2002 as the date for designating responses of those Postal Service witnesses who would not be testifying.

All the responses KE seeks to designate should have been designated before Miller and Kingsley testified on January 9 and 11, 2002 respectively. As none of the responses KE seeks to designate at this time were filed after the deadlines provided for designations in P.O. Rulings R2001-1/23 and 30, and are clearly too late to be filed under any other provision, the Commission should not permit them to be designated and should not add them to the record.

Respectfully submitted,

AMERICAN POSTAL WORKERS UNION, AFL-CIO

by its attorneys:



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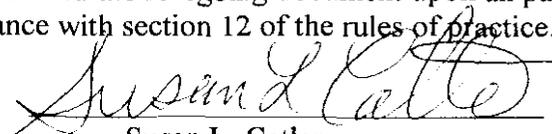
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

Date: February 21, 2002



Susan L. Catler